Attorney Docket No. 9400-32 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Duane Firman
Application No.: 10/624,160
Filed: July 21, 2003
Confirmation No.: 6490
Group Art Unit: 2179
Examiner: Tuyetlien T. Tran
For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR CORRECTING ERRORS IN SERVICE ORDERS

Date : October 15, 2008

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 41.67

Sir:

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed July 15, 2008 and in response to the "Decision of Pre-Appeal Brief Review Panel" dated August 8, 2008.

Real Party In Interest

The real party in interest is assignee BellSouth Intellectual Property Corporation by virtue of an assignment recorded at reel number 014323 and frame number 0553.

Related Appeals and Interferences

Appellants are aware of no appeals or interferences that would be affected by the present appeal.

Status of Claims

Claims 1, 2 and 4-18 are pending and stand rejected. Claim 3 is canceled. Appellants appeal the final rejection of Claims 1, 2 and 4-18 by the Final Office Action dated April 16, 2008 (the "Action"). Claims 1, 2 and 4-18 stand rejected in the Action under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,493,694 to Xu ("Xu") in view of U.S. Patent Publication No. 2002/0168054 to Klos ("Klos").

Status of Amendments

The Appendix of Claims submitted herewith reflects the state of the claims of record. No amendments were filed after the Final Office Action dated April 16, 2008.

Summary of Claimed Subject Matter

Claim 1 is directed to methods of correcting an error in a service order. *See, e.g.*, Figure 6, service order 600; page 5, lines 3-4. The service order includes an electronic document having a plurality of fields, and the plurality of fields have data associated therewith. *See, e.g.*, Figure 6; service order 600; page 7, lines 21-32. A service order control panel is provided. *See, e.g.*, Figure 7; control panel 700; page 9, line 18 – page 10, line 7. The service order control panel includes a plurality of function controls, and each function control has an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order. *See, e.g.*, Figure 7; control panel 700; page 9, line 18 – page 10, line 7. An error in the service order is detected, and the detecting step is performed by a service provider using computer software code to identify a data irregularity. *See, e.g.*, page 8, lines 1-6. User input is accepted from a user to select a function control. *See, e.g.*, Figure 4, Block 304; page 8, lines 23-35. The user input is provided by a service provider. *See, e.g.*, page 8, lines 1-6. The predetermined function associated with the selected function control is automatically performed to manipulate data to correct the error in at least one of the plurality of fields in the service order. *See, e.g.*, Figure 4, Block 308; page 8, lines 23-26.

Claim 13 recites a computer program product for correcting an error in a service order. *See, e.g.*, Figure 6, service order 600; page 5, lines 3-4. The service order includes an electronic document having a plurality of fields, and the plurality of fields have data associated therewith. *See, e.g.*, Figure 6; service order 600; page 7, lines 21-32. The computer program product includes a computer readable usable storage medium having computer readable program code embodied therein. *See, e.g.*, page 3, line 28 – page 4, line 13. The computer readable program code includes computer readable program code which provides a service order control panel. *See, e.g.*, Figure 7; control panel 700; page 9, line 18 – page 10, line 7. The service order control panel includes a plurality of function controls, and each function control has an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order. *See, e.g.*, Figure 7; control panel 700; page 9, line 18 – page 10, line 7. The computer readable program code detects, by a service provider, an error in the service order by identifying a data irregularity. *See, e.g.*,

page 8, lines 1-6. The computer readable program code accepts user input from a user to select a function control. *See, e.g.*, Figure 4, Block 304; page 8, lines 23-35. The user input is provided by a service provider. *See, e.g.*, page 8, lines 1-6. The computer readable program code automatically performs the predetermined function associated with the selected function control to manipulate data to correct the error in at least one of the plurality of fields in the service order. *See, e.g.*, Figure 4, Block 308; page 8, lines 23-26.

Claim 15 recites a system for correcting an error in a service order. *See, e.g.*, Figure 6, service order 600; page 5, lines 3-4. The service order includes an electronic document having a plurality of fields. *See, e.g.*, Figure 6; service order 600; page 7, lines 21-32. The plurality of fields have data associated therewith. *See, e.g.*, Figure 6; service order 600; page 7, lines 21-32. The system includes means for providing a service order control panel. *Id.*; control panel module 260; page 7, lines 10-14. The service order control panel includes a plurality of function controls. *See, e.g.*, Figure 7; control panel 700; page 9, line 18 – page 10, line 7; control panel module 260; page 7, lines 10-14. Each function control has an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order. *Id.* The system includes means for detecting, by a service provider, an error in a service order by using computer software code that identifies a data irregularity. *See, e.g.*, page 8, lines 1-6; control panel module 260; page 7, lines 10-14. The system includes means for accepting user input from a user to select a function control. *See, e.g.*, Figure 4, Block 304; page 8, lines 23-35; control panel module 260; page 7, lines 10-14. The user input is provided by a service provider. *See, e.g.*, page 8, lines 1-6. The system includes means for automatically performing the predetermined function associated with the selected function control to manipulate data to correct the error in at least one of the plurality of fields in the service order. *See, e.g.*, Figure 4, Block 308; page 8, lines 23-26; control panel module 260; page 7, lines 10-14. The structure for the means for providing a service order control panel, the means for detecting, the means for accepting, and the means for automatically performing the predetermined function are provided by the display 234, processor 238 and memory 236 and the control panel module 260 in Figure 3 as discussed on page 6, line 16 – page 7, line 32.

Grounds of Rejection to be Reviewed on Appeal

1. Whether Claims 1, 2 and 4-18 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over Xu in view of Klos.

Argument

I. Introduction

As stated in the Examination Guidelines for Determining Obviousness Under 35 U.S.C. §103 in view of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (M.P.E.P. §2141), a question regarding whether a claimed invention is obvious under 35 U.S.C. § 103 must include an analysis of the factors set forth in *Graham v. John Deere Co.* (383 U.S. 1, 148 USPQ 459 (1966)), which are described by the Supreme Court in the *KSR* decision to be 1) determining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art (hereinafter, the "*John Deere* factors"). The key to supporting any rejection under 35 U.S.C. 103 is the **clear articulation of the reason(s)** why the claimed invention would have been obvious. M.P.E.P. § 2143. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v. Teleflex Inc.*, 550 U. S. 1, 15 (2007). A Court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. *Id.* at 13. When it is necessary for a Court to look at interrelated teachings of multiple patents, the Court must determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *Id.* at 14.

As stated in the M.P.E.P. § 2143.02:

> **Reasonable Expectation of Success Is Required**
> A rational to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. (emphasis added)(citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1395 (2007); *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950))

Appellants submit that the present rejections should be reversed because the cited art does not disclose all of the elements recited in the claims, and there are no apparent reasons or reasonable expectation of success to modify or combine the references as proposed by the Examiner.

II. Independent Claims 1, 13 and 15

Claim 1 recites a method of correcting an error in a service order. The service order includes an electronic document having a plurality of fields, and the plurality of fields have data associated therewith. The method includes:

> providing a service order control panel, the service order control panel comprising a plurality of function controls, each function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order;
>
> detecting an error in the service order, wherein said detecting is performed by a service provider using computer software code to identify a data irregularity;
>
> accepting *user input* from a user to select a function control, wherein the user input is provided by a service provider; and
>
> *automatically performing* the predetermined function associated with the selected function control to manipulate data to correct the error in at least one of the plurality of fields in the service order.

Xu proposes an automatic rule-based technique for correcting errors in text service orders. *See* col. 1, lines 35-38; col. 3, lines 40-44. Appellants submit that Xu fails to disclose function controls having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order and accepting user input to select a function control.

In particular, Xu proposes an on-line system to automatically correct service order errors using a rule language. *See* Xu, col. 4, lines 9-28. The rules do not appear to relate to "accepting user input from a user to select a function control" or "automatically performing the predetermined function associated with the selected function control to manipulate data to correct the error" as recited in Claim 1. In contrast to the above emphasized recitations of Claim 1, the rules of Xu are apparently automatically executed based on the rules and *without accepting user input* to select a function. *See* Xu, col. 4, lines 9-28; col. 31, lines 60-63 ("converting the linked data structure into a corrected service order when the linked data structure has been modified based on the plurality of rules").

Although Xu discusses an interactive mode in which users execute commands, Appellants submit that these commands proposed by Xu do not include a predetermined function that manipulates data in at least one of the plurality of fields in the service order as recited in Claim 1. *See* col. 8, lines 1-34. In fact, the interactive mode commands in Xu do

not appear to manipulate data in a field of the service order. For example, Xu discusses interactive mode commands that include retrieving a service order, creating a service order, and checking for pending orders. *See* col. 8, lines 15-34. Accordingly, Appellants submit that none of the commands issued in the interactive mode of Xu (which the Action identifies as function commands) are associated with a predetermined function that manipulates data in at least one of the plurality of fields in the service order as recited in Claim 1.

In summary, Xu proposes either 1) automatic rules that are automatically executed, and as such, does not disclose or render obvious "accepting user input from a user to select a function control" or "automatically performing the predetermined function associated with the selected function control to manipulate data to correct the error" as recited in Claim 1; or 2) an interactive mode that does not appear to manipulate data in a field of the service order (*i.e.*, in which the commands do not include a "predetermined function that manipulates data in at least one of the plurality of fields in the service order" as recited in Claim 1). Thus, Xu does not disclose or render obvious numerous recitations of Claim 1.

Moreover, the Action concedes that Xu does not teach a service order panel including a plurality of function controls and user selection of a function control. The Action relies on Klos as allegedly disclosing these features at paragraphs [0053], [0065], [0089] and [0090]. *See* the Action, pages 3-4.

Appellants respectfully disagree with the Action's characterization of Klos, and submit that Klos also does not disclose a service order panel including a plurality of function controls and user selection of the functional controls. Although the Action states that "one cannot show nonobviousness by attacking the references individually where the rejections are based on combinations of references," Appellants submit that the above recitation is not disclosed in any of the cited references. In particular, the Action concedes that the above recitation is not disclosed by Xu, and Xu also does not disclose a function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order for the reasons discussed above. Appellants submit that the noted missing elements of Xu are not cured by Klos for at least the following reasons.

According to the cited portions of Klos, the GUI 120 proposed by Klos includes an order initiation screen that enables the network provider to update network elements, disconnect services, change services, resubmit service orders having provisioning errors and resubmit service orders awaiting manual coordination or assistance. Appellants submit that the order initiation screen does not appear to include functional controls that are associated

with **a predetermined function that manipulates data** in at least one of the plurality of fields in the service order. The GUI 120 also includes a **manual** intervention schedule, which Klos proposes can be used to resolve order and provisioning errors. Klos discusses that the manual intervention schedule displays any variable data associated with the error, identifies corrective action and formats the corrective action to be entered into the provisioning flow. *See* Klos, paragraphs [0090].

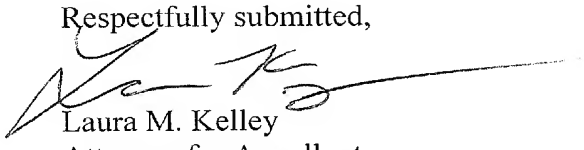
Therefore, Klos apparently requires manual intervention by an operator to resolve errors. As such, Klos merely proposes a standard GUI 120 and does not disclose or render obvious a service order control panel having a plurality of function controls having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order, accepting user input from a user to select a function control, or automatically performing the predetermined function associated with the selected function control to manipulate data as recited in Claim 1.

Accordingly, Xu and Klos do not disclose or render obvious all of the recitations of Claim 1. Independent Claims 13 and 15 include recitations similar to those discussed above with respect to Claim 1. Appellants request that the rejections of independent Claims 1, 13 and 15 and Claims 2, 4-12, 14 and 16-18 depending therefrom be reversed.

CONCLUSION

In view of the above discussion, Appellants submit that the rejection of Claims 1, 2 and 4-18 should be reversed and the present application passed to issue.

Respectfully submitted,



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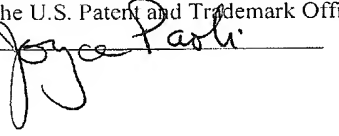

Claims Appendix

1. (Previously Presented) A method of correcting an error in a service order, the service order comprising an electronic document having a plurality of fields, the plurality of fields having data associated therewith, the method comprising:

providing a service order control panel, the service order control panel comprising a plurality of function controls, each function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order;

detecting an error in the service order, wherein said detecting is performed by a service provider using computer software code to identify a data irregularity;

accepting user input from a user to select a function control, wherein the user input is provided by a service provider; and

automatically performing the predetermined function associated with the selected function control to manipulate data to correct the error in at least one of the plurality of fields in the service order.

2. (Original) The method of Claim 1, wherein the service order control panel further comprises at least one linking control, the linking control having a portion of the service order associated therewith, the method further comprising:

accepting user input to select a linking control; and

displaying the portion of the service order associated with the selected linking control.

3. (Canceled).

4. (Original) The method of Claim 1, further comprising accepting user input from the user to edit data associated with at least one of the plurality of fields.

5. (Original) The method of Claim 1, wherein the predetermined function comprises a disconnect function and performing the predetermined function further comprises automatically disconnecting a telecommunications service.

6. (Original) The method of Claim 1, wherein the predetermined function comprises a connect function and performing the predetermined function further comprises automatically connecting a telecommunications service.

7. (Original) The method of Claim 1, wherein the predetermined function comprises a transfer function and performing the predetermined function further comprises automatically transferring a telecommunications service to a predetermined location.

8. (Original) The method of Claim 1, wherein the predetermined function comprises a no field work function and performing the predetermined function further comprises changing one of the plurality of fields in the service order to indicate that no field work is required.

9. (Original) The method of Claim 1, wherein performing the predetermined function further comprises manipulating the data in at least one of the plurality of fields in the service order to indicate that the service order is complete.

10. (Original) The method of Claim 1, wherein performing the predetermined function further comprises altering data in at least one of the plurality of fields in the service order.

11. (Original) The method of Claim 10, wherein the data is a date of service.

12. (Original) The method of Claim 1, wherein the service order is a telecommunications service order.

13. (Previously Presented) A computer program product for correcting an error in a service order, the service order comprising an electronic document having a plurality of fields, the plurality of fields having data associated therewith, the computer program product comprising:

a computer readable usable storage medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code which provides a service order control panel, the service order control panel comprising a plurality of function controls, each function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order;

computer readable program code which detects, by a service provider, an error in the service order by identifying a data irregularity;

computer readable program code which accepts user input from a user to select a function control, wherein the user input is provided by a service provider; and

computer readable program code which automatically performs the predetermined function associated with the selected function control to manipulate data to correct the error in at least one of the plurality of fields in the service order.

14. (Original) The computer program product of Claim 13, wherein the service order control panel further comprises at least one linking control, the linking control having a portion of the service order associated therewith, the computer readable program code further comprising:

computer readable program code which accepts user input to select a linking control; and

computer readable program code which displays the portion of the service order associated with the selected linking control.

15. (Previously Presented) A system for correcting an error in a service order, the service order comprising an electronic document having a plurality of fields, the plurality of fields having data associated therewith, the system comprising:

means for providing a service order control panel, the service order control panel comprising a plurality of function controls, each function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order;

means for detecting, by a service provider, an error in a service order by using computer software code that identifies a data irregularity;

means for accepting user input from a user to select a function control, wherein the user input is provided by a service provider; and

means for automatically performing the predetermined function associated with the selected function control to manipulate data to correct the error in at least one of the plurality of fields in the service order.

16. (Original) The system of Claim 15, wherein the service order control panel further comprises at least one linking control, the linking control having a portion of the service order associated therewith, the computer readable program code further comprising:

means for accepting user input to select a linking control; and

means for displaying the portion of the service order associated with the selected linking control.

17. (Previously Presented) The method of Claim 1, wherein the detected error is a data inconsistency.

18. (Previously Presented) The method of Claim 17, further comprising identifying the fields that include inconsistent data in the service order.

Evidence Appendix

NONE

Related Proceedings Appendix

NONE